

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EOWYN CTS DE LA VEGA,

No. C 07-05734 WHA

Plaintiff,

v.

**ORDER DISMISSING ACTION**

BUREAU OF DIPLOMATIC SECURITY,  
SAN FRANCISCO FIELD OFFICE, U.S.  
DEPARTMENT OF STATE

Defendant.

Pro se plaintiff Eowyn VBB Cts. de La Vega seeks five hundred thousand dollars in damages from the Bureau of Diplomatic Security for “vicious violations of diplomatic protocol practiced against moi a.factos since 1955.” This order **DISMISSES** this action for failure to state a claim upon which relief can be granted.

On September 11, 2007, plaintiff filed a complaint in the San Francisco Superior Court. On November 2, 2007, the United States Attorney’s Office learned about the lawsuit when researching plaintiff’s other lawsuit, *Eowyn Cts. De la Vega v. Bureau of Diplomatic Security*, Case No. CGC 07-464542 on the San Francisco Superior Court website. The USAO was not properly served under FRCP 4. Copies of the summons and complaint were obtained from the Superior Court and they constitute the only process, pleading or order. This action has been removed to district court pursuant to 28 U.S.C. 1441 because plaintiff appears to allege a tort claim against the federal government. *See* 28 U.S.C. 1331; 28 U.S.C. 1346, 2671 *et seq.*

1 The complaint is completely incomprehensible, sometimes lapsing into scrawls  
2 and symbols. Where the complaint states “[t]his court is the proper court because,”  
3 plaintiff checked the following box: “injury to person or damage to personal property occurred  
4 in its jurisdictional area.” She wrote, “SP [circled] BORDEN, evil RTA [circled] ‘broken seals’  
5 Tehran rs [circled] jactos. Opp. foam. a BREAKS; p.52 DISPLAY DISTURBED 2005: my  
6 a ‘focus’ 1954: 500p. 500sc. 500 windows.” (Notice of Rem. Exh. A at 4).

7 In the declaration attached to the complaint, plaintiff wrote, “the State Dept. Bureau of  
8 Diplomatic Security USA has violently FAILED to REMEDY SP [circled] BORDEN. eric  
9 RTA [circled] AS TO IMPERIL MY LIFE, an atomic prodigy. jactos. by CAUSE: ‘broken —  
10 seals’, the plaintiff HAS FAILED Diplomatic PROTOCOL: in San Francisco, CA 2005 @ SF  
11 Main Library — PEDATOR(S) SOUGHT, INDEX [circled] p 52 DISPLAY, DISTURBED. <a,  
12 dart> BROWN. HIVE: columns, chem. anay. foam. my 1954 a ‘focus’ the most dangerous a  
13 ‘focus’ ever built HAG (the purple lake” @ Alrington Residence 480 Ellis St SF CA VAT  
14 [circled] FNQ [circled] and Desire: RASPUTIN — cult” and so on and so forth (*id.* at 6).


15 Dismissal is proper under FRCP 12(b)(6) where there is either a “lack of a cognizable  
16 legal theory” or “the absence of sufficient facts alleged under a cognizable legal theory.”  
17 *Balistreri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th Cir. 1990). In resolving a  
18 Rule 12(b)(6) motion, the Court must construe the complaint in the light most favorable to the  
19 plaintiff, accept all well-pleaded factual allegations as true, and determine whether plaintiff can  
20 prove any set of facts to support a claim that would merit relief. *Cahill v. Liberty Mut. Ins. Co.*,  
21 80 F.3d 336, 337–38 (9th Cir. 1995). Here, plaintiff’s complaint is completely  
22 incomprehensible. Even when construed in the light most favorable to her, the fragmented  
23 sentences and symbols do not come close to a cognizable legal theory, nor do they represent  
24 facts alleged under a cognizable legal theory.

25 Accordingly this order finds that plaintiff has failed to state a claim upon which relief  
26 can be granted. This order also finds that no chance to amend need be given. Plaintiff’s  
27 allegations make clear that none of her proffered theories will cure the jurisdictional defect.  
28

1 For that reason, this order **DISMISSES** the complaint **WITHOUT LEAVE TO AMEND**. The Clerk  
2 shall close the file.

3  
4 **IT IS SO ORDERED.**

5  
6 Dated: December 3, 2007

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE